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08/03/01 JC853 U.S. PTO

Suggested class/  
subclass: 119/72

jc997 U.S. PTO  
09/922376

08/03/01

PATENT

Docket No. 75

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Jeffrey Lynn Chamberlain

NOTE: Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41 and 1.53(b).

WARNING: If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

For (title): Dog Watering Toy

Enclosed are:

1. Benefit of Prior U.S. Application (35 USC 120) (35 U.S.C. 119)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, e.g., where (1) the parent case is not to be abandoned (e.g., a divisional continuation-in-part) or (2) where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL.

☒ The new application being transmitted claims the benefit of a prior U.S. application and enclosed is added pages for new application transmittal where benefit of a prior U.S. application claimed. (Benefit claimed from a provisional application)

2. Papers Required For Filing Date Under 37 CFR 1.53(b):

- 6 Pages of specification (of which two are the claims)
- 1 Pages of Abstract
- 2 Pages of claims
- 4 Sheets of drawing
  - ☐ formal
  - ☒ informal

In addition to the above papers there is also attached:

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date August 3, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EP399162375US addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231

Charles P. Sutton  
(Type or print name of person mailing paper)  
Charles P. Sutton  
(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(b).

3. **D eclaration or oath**

☒ Enclosed

☒ original

executed by (check all applicable boxes)

☒ inventor(s).

☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 10 below for fee.

☐ Not Enclosed.

**WARNING:** Where the filing is a completion in the U.S. of an international application under 35 U.S.C. 371(c)(4) the declaration can be filed after 20 months from the priority date, in which event it **must** be filed within 22 months from the **priority** date with payment of a surcharge and failure to comply with this requirement will result in abandonment of the application. The provisions of § 1.136 do not apply to the 22 month period. 37 CFR 1.61(b).

**NOTE:** Where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application treat the application being transmitted as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL.

☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.

**NOTE:** It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).

4. **Inventorship Statement**

The inventorship for all the claims in this application are:

☒ the same

or

☐ are not the same and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

5. **Language**

☒ English

☐ non-English

**NOTE:** An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$26.00 required by 37 CFR 1.17(k) is required to be filed with the application or within such time as may be set by the Office. 37 CFR 1.52(d).

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

**WARNING:** If the translation of the international application has not been submitted by the applicant within 20 months from the **priority** date, when the filing is a completion in the U.S. of an international application under 35 U.S.C. 371(c)(2), such requirements must be met within 22 months from the **priority** date. The payment of the processing fee set forth in § 1.445(a)(6) is required for acceptance of an English translation later than 20 months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 do not apply to the 22 month period. 37 CFR 1.51(h). The translation into English need not be verified. 37 CFR 1.61(a). The processing fee for filing the translation after 20 months from the priority date is \$26.00.

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☐ A verified English translation of the  
*check applicable item(s)*

☐ specification and claims

☐ declaration

is attached.

## 6. Assignment

☐ An assignment of the invention to \_\_\_\_\_

☐ is attached

☐ will follow

## 7. Certified Copy

*Certified copy(ies) of application(s)*

(country)	(appln. no.)	(filed)
(country)	(appln. no.)	(filed)
(country)	(appln. no.)	(filed)

from which priority is claimed

☐ is attached

☐ will follow

NOTE: *Must be referred to in oath or declaration. 37 CFR 1.55(a) and 1.63.*

## 8. Fee Calculation

CLAIMS AS FILED					
Number filed			Number Extra	Rate	Basic Fee
Total Claims	20	-20=	0	X	0
Independent Claims	3	-3=	0	X	0
Multiple dependent claim(s), if any					0

☐ Amendment cancelling extra claims enclosed

☐ Amendment deleting multiple dependencies enclosed

☐ Fee for extra claims is not being paid at this time

NOTE: *If the fee for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).*

Filing Fee Calculation

\$ 710.00

## 9. Small Entity Statement

- ☒ verified statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is attached.

Filing Fee Calculation (50% of above) \$ 355.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

## 10. Fee Payment Being Made At This Time

WARNING: Where the filing is a completion in the U.S. of an international application under 35 U.S.C. 371(c)(1) the fee can be filed after 20 months from the priority date, in which event it must be filed within 22 months from the priority date with payment of a surcharge and failure to comply with this requirement will result in abandonment of the application. The provisions of § 1.136 do not apply to the 22 month period. 37 CFR 1.161(b).

☐ Not Enclosed

- ☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

☒ Enclosed

- ☒ basic filing fee \$ 355.00
- ☐ recording assignment (\$7.00; 37 CFR 1.21(h)(1)) \$ \_\_\_\_\_
- ☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$140.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_
- ☐ for processing an application with a specification in a non-English language. (\$26.00; 37 CFR 1.52(d) and 1.17(k) or 37 CFR 1.445(a)(6)) \$ \_\_\_\_\_
- ☐ processing and retention fee (\$100.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(d).

Total fees enclosed \$ 355.00

## 11. Method of Payment of Fees

- ☒ check in the amount of \$ 355.00
- ☐ charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b)).

## 12. Authorization to Charge Additional Fees

NOTE: If no fees are to be paid on filing the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

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- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_:

☐ 37 CFR 1.16 (filing fees)

☐ 37 CFR 1.16 (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

### 13. Instructions As To Overpayment

- ☐ credit Account No. \_\_\_\_\_
- ☒ refund

Reg. No. 42,176

Tel. No. (818) 780-6616



**SIGNATURE OF ATTORNEY**

Charles R. Sutton

Type or print name of attorney

14507 Sylvan St., Ste. 208

P.O. Address

Van Nuys, CA 91411

- ☒ Plus Added Page For New Application Transmittal Where Benefit Of A Prior U.S. Application Claimed

**ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR  
U.S. APPLICATION CLAIMED**

**NOTE:** "In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112." 37 CFR 1.78(a).

**NOTE:** "In addition the prior application must be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16; or (3) entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(1) within the time period set forth in § 1.53(d)." 37 CFR 1.78(a).

**14. Benefits of Prior U.S. Application**

This application ~~is a~~ **XXX** incorporates prior U.S. Provisional  
Application number 60/222,974 by reference  
☐ continuation (that application having a filing date of  
☐ continuation-in-part August 4, 2000.)  
☐ divisional

of prior U.S. application

☒

serial number 60/222,974 filed 08/04/2000  
(date)

International Application \_\_\_\_\_ filed \_\_\_\_\_  
(date)

which designated the U.S.

**NOTE:** (1) Where the application being transmitted adds subject matter to the International Application then the filing can be as a continuation-in-part or (2) it is desired to do so for other reasons, e.g. where no declaration is available no English translation is available or no fee is to be paid on filing then the filing can be as a continuation. In these cases the International Application designating the U.S. is treated as the parent case in the U.S. and is an alternative to the completion of the International Application under 35 U.S.C. 371(c)(4) which must meet the requirements of 37 CFR 1.61(a). This alternative permits the completion of the filing requirements within any term set by the PTO under 37 CFR 1.53(d) to which the extension provisions of 37 CFR 1.136(a).

**15. Maintenance of Copendency of Prior Application**

(This item must be completed and the papers filed if the period set in the prior application has run)

☐ A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_

**16. Conditional Petition for Extension of Time in Parent Application**

(complete this item if previous item not applicable)

☐ a conditional petition for extension of time is being filed in the pending parent application.

**17. Relate Back—35 U.S.C. 120**

**NOTE:** "Any application claiming the benefit of a prior filed copending national or international application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications." 37 CFR 1.70(a).

(Added Page for New Application Transmittal Where Benefit of a Prior U.S. Application  
Claimed [4-1.1]—page 1 of 2)

- ☐ Amend the specification by inserting before the first line the sentence:

This is a

- ☐ continuation  
☐ continuation-in-part  
☐ divisional

of copending application

- ☐ serial number \_\_\_\_\_ filed on \_\_\_\_\_  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_  
\_\_\_\_\_ which designated the U.S.

**18. Abandonment of Prior Application (If applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

**NOTE** According to the Notice of May 13, 1983 (103, TMOG 6-7) the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

19. This application claims benefit under 35 U.S.C. 119 to the August 4, 2000 filing date of Provisional Application No. 60/222,974. The first full sentence of the specification at section (b) makes reference to the specified provisional application.